

**CITY COUNCIL MINUTES**  
**January 13, 2011**  
**SPECIAL SESSION**

A Special Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Thursday, January 13, 2011 at 6:00 p.m. with Mayor Kirby presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Council Members Present:** Bridget Powers, Kevin Hanley, J.M. "Mike" Holmes, Keith Nesbitt, Bill Kirby

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Senior Planner Reg Murray, Public Works Engineer Carie Huff and City Engineer Jack Warren.

1. **Public Comment**

No public comment.

2. **Baltimore Ravine Specific Plan and Study Areas Project - APPEAL**

Senior Planner Reg Murray introduced Adrienne Graham, consulting planner for the Baltimore Ravine Specific Plan.

Adrienne Graham presented this item. She provided background and an overview of this project. She explained the items being recommended by the Planning Commission for approval. She also addressed issues that are of concern to the residents in the community.

Ken Anderson of KD Anderson and Associates, Traffic Engineer for this project, addressed traffic and access concerns.

Councilmember questions followed regarding: (1) access points affecting current residents, (2) public safety concern with direct access, (3) discussions with Placer County for a road maintenance agreement, (4) effect on the sewer capacity at the current wastewater treatment plant and related fees, (5) traffic and noise levels, (6) affordable housing units, (7) traffic congestion, (8) traffic impact of other development, (9) additional on/off ramp off I-80, (10) public hearings held for this project, (11) easements, (12) development agreement in regards to \$38,000 annual shortfall, (13) barrier on Herdal Drive, (14) guidelines for drainage and run off, (15) traffic study in regards to "Skyridge" traffic, and (16) fire access.

Fire Chief Mark D'Ambrogi discussed emergency access to the project area. He also addressed the need of additional fire resources, and the long term master plan for additional fire stations. He said his opinion is that Herdal Drive provides the best emergency services access to the site.

Council Member questions continued regarding: (1) plan area 1 vs. plan area 2 and the future approval process for plan area 2, (2) traffic associated with plan area 1 only, (3) level of service standards at different intersections, (4) affordable housing in phase 1, (5) impacts being addressed / approved are only plan area 1, (6) public safety funding, (7) impact on schools, (8) Auburn Recreation District fees, and (9) sound issues in both plan areas 1 & 2.

\*\*\*Council recessed for 5 minutes\*\*\*

Stephen Des Jardins, applicant and developer for this project, addressed many of the questions asked by Council. He said this project is endorsed by the Sierra Club. He said there are no new easements needed for any of the proposed access points but would be for alternative points of access. He addressed questions from Council about access points and parcel ownership.

Mark Smith, resident of Auburn and appellant on this item, spoke about the project and why he opposes it. He reviewed previously completed environmental reviews for unfinished projects in the area showing the cumulative impact on the community with the addition of the Baltimore Ravine project. He expressed concern about the current level of law enforcement, the project's effect on local schools, and the long term impact on utilities.

Jack Sanchez, resident of Auburn, urged the City to adopt policies to protect waterways in this development and into the future.

Public Comment in favor of the Baltimore Ravine Specific Plan:

Terry Davis of the Sierra Club of Auburn, Kim Dahlin of Auburn, James Dahlin of Auburn, and Skip Outman of Auburn.

Public Comment in opposition of one or more aspects of the Baltimore Ravine Specific Plan:

Margie Koltun of Auburn, Maricica Koltun of Auburn, Kathy Allen of Auburn, April Moore of Colfax, Elinor Petuskey of Newcastle, Jeff Cowen of Auburn, Norm Chavez of Auburn, Larry Grilli of Auburn, Katie Burdick of Auburn, Bill Grant of Auburn, Jena Wiskus of Auburn, Richard Sanborn of Auburn, Bart Ruud of Auburn, Antoinette Fabela of Auburn, Charles Waterman of Auburn, Ann Craig of Auburn, and Michael Otten of Auburn.

Following is a summary of comments received in opposition to the project:

- Appropriateness of Level of Service D policy for Auburn;
- Increased traffic on Herdal Drive, Auburn-Folsom Road and Indian Hill Road;
- Impacts on law enforcement and fire protection;
- Increased risk of accident at the Indian Hill Road/Hoyer Lane intersection;
- Ability of the wastewater treatment plant to serve the project;
- Increase pollutants
- Proximity of new roadway (Herdal Drive extension) to backyards;
- Construction noise;
- Access other than Herdal Drive be provided;
- Financial viability of project;
- Ability to provide public services;
- Effects of stormwater runoff on local streams;
- Loss of last large open space area in Auburn;
- Phase 2 would affect wetlands on adjacent properties;

Following is a summary of comments received in support for the project or certain aspects of it, including:

- Support for project as smart growth;
- Support for the BRSP policies limiting development to slopes of 20% or less, and the use of detention basins and best management practices to protect water quality; and
- Support for mixed use components and affordable housing requirements.

\*\*\*Council recessed for 5 minutes\*\*\*

Stephen Des Jardins addressed the public's comments. He spoke about: (1) current zoning of plan 1, (2) EIR, (3) development agreement, (4) Native American resources and consultation, (5) Herdal Drive improvements, and (6) Mello-Roos financing. He finished by asking the Council to deny the appeal by Mark Smith and to approve the project.

Council Member questions followed: (1) 2-acre park, (2) Herdal Drive construction options, (3) determination of zoning of land, (4) previous plans for Baltimore Ravine area that were unsuccessful, (5) traffic study / projection approach, (6) mitigation measures for construction workers to receive handbook that explain how to identify and protect archeological resources, (7) available transit and route stops, (8) the fact that private persons cannot obtain property rights against the City via adverse possession, (9) bicycle lanes, (10) failure of the traffic study to address potential build-out, (11) different level of service at intersections, (12) City / County discussions regarding impacts on Indian Hill Drive, (13) parking complaints on Herdal Drive, (14) permitting processes, (15) development agreement vs. subdivision agreement, (16) Rogers Lane improvements, and (17) Werner access.

Council Member comments followed: (1) quality of developments in Auburn, (2) "smart growth" concept, (3) commercial space in plan area 2, (4) access streets, (5) Herdal neighborhood, (6) posting amended development agreement to the City's website, (7) cumulative effects, (8) value of revisions developer has made, (9) Pacific Street access, (10) I-80 / Indian Hill Road impacts, (11) high density housing, (12) CalTrans responsibility for the I-80 exit, (13) best access point for development, (14) approval / denial of appeal.

- A. By **RESOLUTION 11-11**, deny the appeal submitted by Mark Smith.  
**MOTION: Hanley/ Holmes/ Approved 5:0**

Council Member conversation followed regarding access options being referred to the Planning Commission for additional analysis.

- B. By **MOTION**, indefinitely table the Council's review of the project and task the Planning Commission with further studying and providing a recommendation to the City Council regarding either the Pacific Street Extension or the Rail Line Crossing south of Pacific Street and to task staff and the applicant with engaging with the County regarding an agreement on paying for Indian Hill Road / Newcastle Road intersection improvements in the future.  
**MOTION: Hanley/ Nesbitt/ Approved 4:1 (Kirby voted no)**

**ADJOURNMENT**

Mayor Kirby, without objection, adjourned the meeting at 11:45pm.

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William W. Kirby, M.D., Mayor

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Joseph G. R. Labrie, City Clerk

**CITY COUNCIL MINUTES**  
**February 14, 2011**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, February 14, 2011 at 6:00 p.m. with Mayor Kirby presiding and Deputy City Clerk Amy M. Lind recording the minutes.

**CALL TO ORDER** at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Council Members Present:** Kevin Hanley, J. M. Holmes, Keith Nesbitt, Bridget Powers, Bill Kirby

**Council Members Absent:** None

**Staff Members Present:** City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Administrative Services Director Andy Heath, Police Chief Valerie Harris and Police Captain John Ruffcorn.

**AGENDA APPROVAL**

Council Member Powers requested to remove item 13 from the agenda. The remainder of the agenda was approved as presented by consensus of the Council.

**CONSENT CALENDAR**

Council Member Holmes requested item 2 be removed from the consent calendar for further discussion.

1. **Warrants**

By **RESOLUTION 11-19** ratify and approve payments of warrants #76513 through #76775 totaling \$2,236,107.69.

2. **Minutes**

Moved to item 7a.

3. **CalPERS Contract Amendment Ordinance – Section 21362 (2% @ 50 Full Formula) for Local Safety Members**

Introduce for **first reading by title only**, an ordinance to amend the contract between the City of Auburn and CalPERS, providing Public Employees' Retirement Law Section 20475 (Different Level of Benefits) for local safety members whereby Section 21362 (2% @ 50 Full Formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of the amendment to the contract.

4. **Auburn Police Sergeants Association Memorandum of Understanding**

By **RESOLUTION 11-20**, adopt the Memorandum of Understanding between the Auburn Police Sergeants Association and the City of Auburn for the period of February 14, 2011 through June 30, 2012, and authorize the City Manager to sign on behalf of the City.

5. **Consultant Agreement for Wastewater Consulting – Stantec Consulting Services, Inc.**

By **RESOLUTION 11-21**, authorize the Director of Public Works to execute Amendment No. 1 to the consultant agreement with Stantec Consulting Services, Inc. for the Wastewater Improvement Project.

By **RESOLUTION 11-22**, authorize the Director of Public Works to execute the consultant agreement with Stantec Consulting Services, Inc. for Wastewater Consulting as required by the National Pollutant Discharge Elimination System Permit.

6. **Wildland Fire Protection Agreement with Cal Fire, FY 2010-2011**

By **RESOLUTION 11-23**, approve and authorize the Fire Chief to sign the Wildland Fire Protection Agreement for FY 2010-2011 with Cal Fire (Department of Forestry and Fire Protection).

7. **Appointment of Planning Commissioners**

By **RESOLUTION 11-24**, appoint Matt Spokely, Fred A. Vitas and Lisa Worthington to the Auburn Planning Commission.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar, excluding item 2.

**MOTION: Nesbitt/ Powers/ Approved 5:0**

7a. **Minutes**

Council Member Holmes asked for a correction on the minutes of 1/13/2011. The motion needs to be clarified to read: "Pacific Street Extension or the Rail Line Crossing south of Pacific Street".

Michael Otten, resident of Auburn, asked that the minutes from the Special Session held 1/13/2011 reflect an adjournment time and asked for further refinement on the public comment portion of the minutes.

By **MOTION** approve City Council Minutes of 1/10/2011 and 1/24/2011; send the 1/13/2011 minutes back to the Assistant City Clerk for further refinement.

**MOTION: Hanley/ Holmes/ 5:0**

8. **Public Comment**

Council Member Holmes said he received correspondence about alcohol abuse and accidents in the Auburn area. He said he would like to work with the Police Department on an alternative transportation option for people who are intoxicated. He also said he received a letter from a community member who takes care of the plants in the Downtown Area suggesting she would like to expand her area and take care of the Streetscape area.

Council Member Nesbitt said he would like staff to continue to look into the traffic light situation. He said there are a couple intersections with common traffic light delays.

**REPORTS**

9. **Results of Annual Audit – Fiscal Year 2009-2010**

Administrative Services Director Andy Heath presented this item. He reviewed the purpose and scope of the audit, the audit opinion, the Comprehensive Annual Financial Report (CAFR) Organization, selected financial information for fiscal year 2009-2010, the management report and auditor recommendations (the full report is available in the City Clerk's office).

Council Member Holmes congratulated Andy Heath and his staff on the award for Financial Reporting Excellence.



Mayor Kirby confirmed the open positions at the Police Department that remain unfilled are the Lieutenant, Sergeant and 2 Police Officers. He also confirmed that there is no plan to fill these positions any time soon.

By **MOTION**, receive and file the Comprehensive Annual Financial Report for the City of Auburn for Fiscal Year 2009-2010.

**MOTION: Holmes/ Nesbitt/ Unanimously approved by voice**

10. **Financial Status Report – Fiscal Year 2010-2011**

Administrative Services Director Andy Heath presented this item. He provided an overview of the budget review process, reviewed General Fund revenues and expenditures, gave an update on the Enterprise Funds, gave an update on Special Revenue Funds and reviewed the Fiscal Year 2011-2012 Budget (full presentation available in the City Clerk's office).

Council Member Powers thanked Andy Heath for his comprehensive report. She asked about the increased STA (State Transit Assistance) funding from the State and about future possibilities of putting money back into the reserve fund.

Andy Heath said the State had not paid the STA funding in recent years, but it was paid this fiscal year resulting in the increase.

Council Member Nesbitt said the STA funding is uncertain in the future and it will be decided on the June ballot.

Council Member Holmes asked about sales tax generation in regards to the new auto dealerships and the new department store moving into the city limits.

Andy Heath said he anticipates the new department store will add a substantial amount to the sales tax base.

Mayor Kirby said staff has done a phenomenal job at reducing costs and working with the Council to put Auburn in its current financial state.

Council Member Nesbitt also thanked staff for their hard work on the budget during the past year.

Accept the Financial Status Report and approve:

By **RESOLUTION 11-25**,

(A) Decrease the estimate for earned revenue in the City's General Fund by \$225,117 to \$7,984,083;

- (B) Decrease the appropriation for expenditures in the City's General Fund by \$331,572 to \$8,140,525; and
- (C) Decrease the General Fund Cash Reserves by \$59,118 to \$2,691,622.
- (D) Adopt the modified budgets in accordance with the attached schedules for the City's Airport, Sewer, Redevelopment, Gas Tax, Transportation, Transit, and FEP Funds.

**MOTION: Nesbitt/ Powers/ Approved 5:0**

**11. Auburn Fire 2010 Incident Response Report**

Fire Chief Mark D'Ambrogi presented this item. He reviewed the fire response during the year 2010, response times, response information, the volunteer program, grant review, emergency medical and emergency preparedness (the full report is available in the City Clerk's office).

Council Member Powers said she appreciates all the work done by fire staff to obtain grant funding.

Council Member Hanley thanked the Fire Chief and said he appreciates the thorough review of the fire department.

Council Member Holmes said Brad Harris with Calfire is working with Bureau of Reclamation to try to get an agreement on fire safety in the American River Canyon and asked the Fire Chief to update Council on any new developments.

Council Member Nesbitt recognized the Fire Chief for his work.

Mayor Kirby complemented the Fire Chief on his report. He asked for an update in regards to the "over 6 minute calls" possibly being code 2 calls.

**12. City Council Committee Reports**

Council Member Holmes reported that several businesses in Auburn have been nominated for County Business Development awards, there will be a breakfast held March 30<sup>th</sup>, 7:30 am at Roseville Del Webb. He also reported that the Placer County Air Pollution Control District revised the rules on burning in Placer County. He said the Clean Air Grants application process will conclude on February 28<sup>th</sup>.

Mayor Kirby reported on the Route Announcement Event held by the Amgen Local Organizing Committee, Wednesday, February 9<sup>th</sup>. He said he would like to see an update on how the funding is going from this committee.

## **COUNCIL BUSINESS**

13. **Consideration of Hostels in the City of Auburn**

Removed from agenda.

14. **2011 SacMetro Cap-to-Cap Conference**

Council Member Holmes presented this item. He said the conference this year is May 7-11<sup>th</sup>. He said he feels that the issue of the Auburn State Recreation Area (ASRA) is critical and needs representation at this conference.

He said recent studies report the recreation area has a fiscal impact of about 2 billion dollars a year. He said he is asking for \$1,500.00 to help him attend his conference, and he will pay for the remainder by other means.

Public Works Director Bernie Schroeder said she needs direction on issues papers for staff to compile and forward to SacMetro for this conference.

Dan Sokol, resident of Auburn, said he questions the value of the conference and said he opposes the City sending a council member.

Council Member Holmes said through recent meetings, there is some positive response from the BOR regarding the ASRA and he wants to follow up on the issue in May at the conference.

Council Member Hanley said given the budget this year, he feels sending a City Council Member to this conference would be "fiscally imprudent." He said there is not an agenda that is worth spending the money for the trip because (1) the ARSA issue is already being well represented by the Congressman's office, (2) the Regional Sewer issue is understood to not be eligible for federal funding for that project, and (3) the Electric Street & Lincoln Basin projects have gone to this conference every year unsuccessfully.

Council Member Nesbitt said he appreciates the work by Council Member Holmes on the local issues but feels there is a coalition already lobbying on Auburn's behalf.

Council Member Holmes stressed the importance of attending and said he will go whether the city supports him or not.

Council Member Powers read the description of the purpose of the Cap-to-Cap conference, emphasizing that Auburn needs to send the Mayor to represent local issues.

By **MOTION**, submit issues papers for Electric Street Diversion, Lincoln Basin Downtown Drainage, State Recreation Funding and Regional Sewer to SacMetro to be considered for federal funding at the Cap-to-Cap conference.

**MOTION: Powers/ Holmes/ Approved 5:0**

Council Member Powers moved to authorize \$1,595 in funding for the Mayor to attend the Cap-to-Cap conference. Motion failed for lack of a second.

Mr. Hanley left the meeting at 7:55 p.m.

By **MOTION**, support Council Member Holmes and Mayor Kirby if they chose to go to Cap-to-Cap conference using their own funds.

**MOTION: Nesbitt/ Powers/ Approved 4:0 (Hanley absent)**

**ADJOURNMENT**

Mayor Kirby adjourned the meeting, without objection, to a meeting of the Auburn Urban Development Authority at 7:56 p.m.

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William W. Kirby, M.D., Mayor

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Amy M. Lind, Deputy City Clerk